

**657—21.9(124,155A) Exemption from electronic prescription mandate—petition.** A prescriber, medical group, institution, or pharmacy that is unable to comply with the electronic prescription mandate in rule 657—21.8(124,155A) may petition the board, on forms provided by the board, for an exemption from the requirements based upon economic hardship; technical limitations that the prescriber, medical group, institution, or pharmacy cannot control; or other exceptional circumstances. A timely petition for renewal of a previously approved exemption shall be submitted at least 60 days in advance of the expiration of the previously approved exemption.

**21.9(1) *Petition information.*** A petition for exemption from the electronic prescription mandate shall include, but not be limited to, all of the following:

*a.* The name and address of the prescriber, medical group, institution, or pharmacy seeking the exemption. For medical groups and institutions, a list of the names, professional license numbers, and CSA registration numbers of all prescribers who would be covered by the exemption shall be maintained by the petitioner for the duration of any approved exemption and shall not be required to be submitted with the petition.

*b.* Whether the petitioner is seeking an exemption for controlled substance prescriptions, non-controlled substance prescriptions, or both.

*c.* The petitioner's current electronic prescribing capabilities.

*d.* The reason, such as economic hardship, technological limitations, or other exceptional circumstances, the petitioner is seeking exemption, including any supporting documentation to justify the reason.

*e.* Anticipated date of compliance with the electronic prescription mandate.

*f.* If the petition seeks renewal of a previously approved exemption, information relating to the petitioner's actions during the previous exemption period to work toward compliance with the electronic prescription mandate or an explanation as to why no progress has been made.

**21.9(2) *Criteria for board consideration of a petition.*** The board shall consider all information provided in a petition seeking exemption to the electronic prescription mandate and shall approve or deny a petition for exemption based on whether there is a compelling reason to justify the exemption and the nature and volume of prescriptions impacted. Except for petitions citing the exceptional circumstances listed below, which will be administratively reviewed for approval, each petition will be reviewed on a case-by-case basis.

*a.* A free or low-income clinic where health care is provided at no cost or at a reduced cost to the patient without reimbursement from a third-party payer that requests an exemption for noncontrolled substances only.

*b.* A licensed prescriber who issues no more than 50 noncontrolled substance prescriptions per year who requests an exemption for noncontrolled substances only.

*c.* The department of veterans affairs for prescriptions that are not filled at a veterans affairs pharmacy.

*d.* A prescriber at a student health center based at a college or university for noncontrolled substances only.

*e.* A dentist seeking an exemption for prescriptions limited to toothpastes and mouthwashes.

*f.* A compounding pharmacy that dispenses no more than 50 prescriptions for commercially available prescription medications per year that requests an exemption for noncontrolled substances only.

**21.9(3) *Duration of approved exemption.*** The board may approve an exemption, or the renewal of an exemption, to the electronic prescription mandate for a specified period of time not to exceed one year from the date of approval.

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